## UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

JIN MING LIN, CHI WAI CHAO, YOOK THAI CHEAH, MING F. FUNG, MUOI GIANG, YUEN YUE SOOHOO, and MEI ZHI,	) ) ) )
Plaintiffs, v.	Civil Action No. 09-11510-GAO
CHINATOWN RESTAURANT CORP., and JOYCE P.Y. HAYES,	) ) )
Defendants.	) ) )

# PLAINTIFFS' MOTION FOR TRUSTEE PROCESS AND REAL ESTATE ATTACHMENT

# I. **INTRODUCTION**

Plaintiffs, pursuant to Fed.R.Civ.P. 64 move this Court to approve a general real estate attachment of Defendant Joyce P.Y. Hayes' ("Defendant Hayes") real property located in Norfolk County, Massachusetts, and for an attachment by trustee process of Defendant Hayes's bank accounts at Sovereign Bank, N.A. in order to satisfy the judgment in this action.

Rule 64 governs the procedure for attachment. The rule provides that "throughout an action, every remedy is available that, under the law of the state where the court is located, provides for seizing a person or property to secure satisfaction of the potential judgment." Fed.R.Civ.P. 64(a). Mass.R.Civ.P. 4.1 and 4.2 provides for attachment of real property and trustee process attachment.

#### A. Real Property Of Defendant Hayes to be Attached

Real property located in Norfolk County for which Defendant Hayes has an ownership interest up to the amount of \$200,000.

## **B. Property to be Attached by Trustee Process**

1. All bank accounts in Defendant Hayes' name at Sovereign Bank N.A. in the amount of \$200,000.

# **CONCLUSION**

- 1. Order a general real estate attachment over real property for which defendant Hayes has an ownership interest in Norfolk County in the amount of \$200,000.
- 2. Order an attachment by Trustee Process of Defendant Hayes' accounts at Sovereign Bank, N.A. in the amount of \$200,000.

RESPECTFULLY SUBMITTED, For Plaintiffs
By their attorneys,

/s/ Myong J. Joun

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Dated: October 31, 2012

/s/ Jeffrey Wiesner

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#### **CERTIFICATE OF SERVICE**

I certify that on this day I caused a true copy of the above document to be served upon the attorney of record for all parties via CMF/ECF.

Date: <u>10/31/2012</u> /s/ Myong J. Joun Myong J. Joun